THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6337 OF 1999

17.03.2006

Between:

Guda Venkata Reddy, S/o.Malla Reddy

… Petitioner

AND

Gram Panchayat, Lingapur, Shankarpatnam Mandal,

Karimnagar District, represented by its Sarpanch

And others

… Respondents

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WRIT PETITION No.6337 OF 1999

ORDER:

The petitioner claims to be owner of a cattle shed bearing No.1-75 in survey No.793/B of Lingapur village of Shankarpatnam Mandal in Karimnagar District. According to him, there is a road from west to east in survey No.793/B which belongs to Gram Panchayat. It is alleged that the fourth respondent occupied the road for construction of a house in 1997. The petitioner, therefore, filed an application on 02.6.1997 before the Gram Panchayat alleging that the fourth respondent is likely to construct a house on the road. The Sarpanch stopped the construction and issued a notice on 28.8.1997 to the fourth respondent. It is alleged that again in January 1999, the fourth respondent commenced construction. The petitioner then filed W.P.No.832 of 1999 before this Court for a direction to respondents 1 to 3. The writ petition was disposed of on 22.1.1999 with a direction

to respondents 1 to 3 to consider the representations made by the petitioner on 02.6.1997 and 04.1.1999. Thereafter, on 03.2.1999 the first respondent issued a notice to fourth respondent to stop construction on the public road. Though another notice was also issued on 12.2.1999, the fourth respondent did not stop construction. Though the first respondent issued notice on 12.2.1999 further action was not taken. Therefore the present writ petition is filed seeking a direction to respondents 1 to 3 to stop construction being made by the fourth respondent.

The respondents 1 to 3 have not filed any counter affidavit in spite of service of notice. The fourth respondent has filed a counter affidavit denying the petition averments. It is further stated that the District Panchayat Officer got the land inspected by the Panchayat Extension Officer and after considering the report submitted by the latter, issued orders on 01.9.1998 directing the Gram Panchayat to issue direction to fourth respondent for construction of house. The allegation that the fourth respondent is making construction on the road is denied.

The fourth respondent filed counter affidavit before this Court along with W.V.M.P.No.2427 of 1999 on 24.8.1999. The petitioner has not chosen to deny the counter affidavit by filing reply affidavit. Further, when this case was heard, the learned Assistant Government Pleader for Panchayat Raj appearing for respondents 2 and 3 and the learned Counsel for fourth respondent directed to place before this Court the proceedings of the District Panchayat Officer dated 01.9.1998. Today, the original file has been produced before this Court by the learned Assistant Government Pleader. The proceedings in letter No.A3/3343/97-Pts. dated 01.9.1998 is found at page No.39 of the File, which shows that the Extension Officer inspected the land in question and expressed that by the construction of the house undertaken by the fourth respondent, there will be no inconvenience to anybody. For this reason, the third respondent directed the first respondent to issue direction to fourth respondent.

In view of the counter averments filed by the fourth respondents, this Court holds that the writ petition is filed without any factual foundation and the same is accordingly dismissed with costs.

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(**V.V.S.RAO,J**)

March 17, 2006.

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